

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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MEMORANDUM

June 22, 2022

To: Members of the Committee on Oversight and Reform

Fr: Chairwoman Carolyn B. Maloney

Re: Supplemental Memo for Hearing on “Tackling Toxic Workplaces: Examining the NFL’s Handling of Workplace Misconduct at the Washington Commanders”

On October 21, 2021, the Committee launched an investigation into the Washington Commanders’ (Commanders) toxic workplace and the National Football League’s (NFL) response. The Committee’s inquiry followed the League’s decision not to release the findings of an internal investigation, led by D.C. attorney Beth Wilkinson (Wilkinson Investigation), into widespread sexual harassment, bullying, and intimidation at the team.

This memorandum describes evidence uncovered by the Committee demonstrating that although publicly, the NFL and Commanders touted the hiring of a respected D.C. attorney to conduct an internal investigation of the Commanders toxic workplace, privately, Commanders owner Daniel Snyder launched a shadow investigation in an apparent effort to discredit his accusers in the eyes of the NFL and offer up an alternative target for the investigation. Bound together by an agreement to pursue a common interest and a joint legal strategy, the NFL and Commanders ultimately buried Ms. Wilkinson’s findings.

Evidence obtained by the Committee shows:

- Lawyers for Mr. Snyder used their shadow investigation to create a 100-slide dossier with emails, text messages, telephone records, and social media posts from journalists, victims, and witnesses who had made credible public accusations of harassment against the Commanders.

Emily Applegate

- On July 16, 2020, *The Washington Post* published an article containing allegations by certain former WFT employees who said they were harassed by WFT executives.
- Emily Applegate — who worked for the WFT between 2014 and 2015 — was one of the principal sources for the July 16, 2020 article.

The Washington Post



Rachel Engelson

- Rachel Engelson worked for the WFT from 2011 through 2019.
- Engelson held three positions with the organization: customer service representative (April 2011 – January 2012); director of client services (January 2012 – May 2017); and director of marketing and client relations (June 2017- 2019).
- Engelson alleges that she was harassed by Larry Michael.



- During the Wilkinson Investigation, Mr. Snyder and his lawyers sent private investigators to the homes of former cheerleaders and gathered thousands of emails from former Commanders President Bruce Allen in an effort to “demonstrate that Bruce Allen had created a toxic environment at the Washington Commanders.”
- Mr. Snyder’s lawyers had direct access to the NFL and the Wilkinson firm and used the information from their shadow investigation to seek to influence the Wilkinson Investigation.

Evidence obtained by the Committee shows that the NFL knew about these actions but failed to take meaningful steps to prevent them. Ultimately, the NFL was briefed on the Wilkinson Investigation’s findings 16 times—including at least two personal briefings for NFL Commissioner Roger Goodell and four briefings submitted in writing—but chose not to disclose the findings to the public.

The Committee’s investigation also sheds light on the extent of Mr. Snyder’s role in creating and fostering the Commanders’ toxic workplace. This new evidence suggests that Mr. Snyder’s efforts to influence the Wilkinson Investigation may have been intended to conceal or distract from his own role in this troubling conduct. For example:

- Mr. Snyder’s former Chief Operating Officer, David Pauken, testified that when Mr. Snyder learned that a member of the team’s coaching staff had groped a public relations employee, Mr. Snyder refused to take action against the coach and instead directed that the victim “stay away from the coach.”
- Mr. Pauken explained that Mr. Snyder fired female employees who engaged in consensual relationships with male members of the team’s football operations. Describing one such situation, Mr. Pauken explained: “The female employees

were fired, the male employee was—there were no repercussions other than he was restricted from additional sex with the cheerleaders.”

- A former long-time employee described how the team’s culture “glorified drinking and womanizing,” and recalled an instance when Mr. Snyder had pressured him to drink excessively. He explained that employees were afraid to speak out “because they had seen so many others lose their jobs.”

The Committee obtained this information despite obstruction from the NFL and the Commanders. During the Committee’s investigation, the NFL and the team—relying on a “common interest agreement” signed during the Wilkinson Investigation—have refused to turn over Ms. Wilkinson’s findings and at least 40,000 documents from Ms. Wilkinson’s investigative file to the Committee.

I. THE NFL’S INVESTIGATION WAS NOT INDEPENDENT

On February 9, 2022, the NFL announced its intent to investigate allegations of sexual misconduct against Daniel Snyder that surfaced at a Committee roundtable on February 3.¹ When Mr. Snyder—who had publicly called his new accuser a liar²—countered with the Commanders’ plan to conduct its own investigation, NFL Commissioner Roger Goodell stated:

I do not see any way that a team can do its own investigation of itself. ... That’s something that we would do. We would do it with an outside expert that would be able to help us come to the conclusion of what the facts were and what really, truly happened so we can make the right decision from there.³

Seven months earlier, however, the NFL had initially taken a contrary position. For approximately six weeks, from mid-July 2020 to August 31, 2020, the NFL allowed Mr. Snyder and his team—the Washington Commanders—to investigate themselves regarding earlier claims of workplace harassment and abuse.

A. The NFL Initially Allowed Mr. Snyder to Investigate His Team and His Own Misconduct

On July 16, 2020, the *Washington Post* published an investigative report detailing the Commanders’ decades-long toxic work culture. The *Post*’s report identified 15 former female

¹ *NFL Will Investigate Sexual Misconduct Allegations Against Snyder*, Reuters (Feb. 9, 2022) (online at www.reuters.com/lifestyle/sports/nfl-will-investigate-sexual-misconduct-allegations-against-snyder-2022-02-09/).

² *Washington Hires Investigator to Explore Tiffani Johnston Allegations and to Make Findings Public*, NBC Sports (Feb. 9, 2022) (online at <https://profootballtalk.nbcsports.com/2022/02/09/washington-hires-investigator-to-explore-tiffani-johnson-allegations-and-to-make-findings-public/>).

³ *NFL Will Investigate Sexual Misconduct Allegations Against Snyder*, Reuters (Feb. 9, 2022) (online at www.reuters.com/lifestyle/sports/nfl-will-investigate-sexual-misconduct-allegations-against-snyder-2022-02-09/).

Commanders employees who described in detail how they were subjected to “unwelcome overtures or comments of a sexual nature” or “exhortations to wear revealing clothing and flirt with clients to close sales deals.”⁴ That same day, the Commanders announced it had hired Beth Wilkinson, a prominent D.C. attorney and former federal prosecutor from the Wilkinson Walsh (now Wilkinson Stekloff) law firm “to conduct a thorough independent review of this entire matter and help the team set new employee standards for the future.”⁵

Fourteen of the 15 women spoke to the *Post* on the condition of anonymity “citing a fear of litigation because some signed non-disclosure agreements with the team that threaten legal retribution if they speak negatively about the club.” One of the women, Emily Applegate, provided a personal account of harassment at the hands of multiple Commanders’ executives. The allegations of sexual and verbal misconduct raised by the 15 women, from 2006 to 2019, spanned “most of Snyder’s tenure as owner.” The report identified “three former members of Snyder’s inner circle”—Dennis Greene, Larry Michael, and Mitch Gershman—as having engaged in sexual harassment or verbal abuse. While none of the 15 women accused Mr. Snyder of sexual misconduct, the July 16, 2020, *Post* report detailed their view that Mr. Snyder was responsible for the toxic workplace culture at the club.⁶

On July 17, 2020, the NFL issued a statement that appeared to lend support to the Commanders’ decision to conduct its own investigation: “Washington has engaged outside counsel to conduct a thorough investigation into these allegations. The club has pledged that it will give its full cooperation to the investigator and we expect the club and all employees to do so.”⁷ Despite credible accusations that Mr. Snyder was responsible for the team’s hostile work environment, that long-time members of his inner-circle repeatedly sexually harassed employees,

⁴ *From Dream Job to Nightmare*, Washington Post (July 16, 2020) (online at www.washingtonpost.com/sports/2020/07/16/redskins-sexual-harassment-larry-michael-alex-santos/).

⁵ *Id.*; *How Can the Washington NFL Team’s Internal Review Be Independent? Legal Experts Weigh In*, Washington Post (July 22, 2020) (online at www.washingtonpost.com/sports/2020/07/22/washington-nfl-internal-review-daniel-snyder-beth-wilkinson/).

⁶ *From Dream Job to Nightmare*, Washington Post (July 16, 2020) (online at www.washingtonpost.com/sports/2020/07/16/redskins-sexual-harassment-larry-michael-alex-santos/).

⁷ *Washington’s NFL Team Has Hired an Attorney To “Conduct A Deep Dive” into Its Own Culture*, NBC Sports (July 16, 2020) (online at www.nbcsports.com/washington/washington-football/washingtons-nfl-team-hires-dc-attorney-wholl-reportedly-conduct-deep-dive-past); *Fifteen Former Female Employees of Washington NFL Team Allege Sexual Harassment in Workplace: Report*, Chicago Sun-Times (July 17, 2020) (online at <https://chicago.suntimes.com/2020/7/17/21328335/nfl-redskins-fifteen-female-employees-allege-sexual-harassment>). Observers of the League noted that “[t]he NFL’s decision to allow Washington to hire its own lawyer to conduct the review is a curious one - traditionally misbehavior in the league is investigated by an NFL-appointed group, not one retained by the offending party.” They also raised questions about “how much the investigation will be able to turn up” as “the team refused to release its female employees from nondisclosure agreements so they could speak freely about their experiences to the *Post*.” *NFL, Dan Snyder and Ron Rivera React to Allegations of Sexual Harassment Within Washington Organization*, Richmond Times-Dispatch (July 17, 2020) (online at https://richmond.com/sports/professional/article_866da901-f252-5601-9f67-5f1bebe5c982.html).

and that victims and whistleblowers feared retaliation from the team, the NFL reportedly allowed the team to investigate itself because it viewed Mr. Snyder as not “directly implicated.”⁸

Just days after the Commanders retained Wilkinson Stekloff, Ms. Wilkinson learned of accusations potentially implicating Mr. Snyder in sexual misconduct. According to reports, Ms. Wilkinson learned of a 2009 allegation by a former female employee against Mr. Snyder the same month the investigation began and discussed the allegation with the Commanders’ former general counsel, Dave Donovan, who had reportedly led an internal investigation of that allegation.⁹ The NFL informed the Committee that it first learned of the specific misconduct allegations against Mr. Snyder in “the summer of 2020.”¹⁰

On August 26, 2020, the *Washington Post* published a second damning exposé: a former employee from the team’s broadcast staff, Bradley Baker, alleged the team’s video department had been directed by team executives to produce for Mr. Snyder lewd videos containing outtakes from the team’s annual cheerleader swimsuit photo shoots. The *Post* also reported that Mr. Snyder had personally propositioned former cheerleader Tiffany Bacon Scourby during a charity fundraiser on behalf of the team’s official ophthalmologist, a friend of Mr. Snyder’s, suggesting that she go to his hotel room so that she and the ophthalmologist could “get to know each other better.”¹¹

⁸ Roger Goodell Condemns “Abhorrent Behavior,” NFL to Rely on Current Investigation of Washington, *Washington Post* (Aug. 26, 2020) (online at www.washingtonpost.com/sports/2020/08/26/roger-goodell-condemns-abhorrent-behavior-nfl-rely-current-investigation-washington/); see also *Who Is Beth Wilkinson? Lawyer Leading Washington NFL Team’s Investigation Has High-Profile History*, *Washington Post* (July 17, 2020) (online at www.washingtonpost.com/sports/2020/07/17/beth-wilkinson-washington-nfl-investigation/) (The story contrasted the NFL’s response to its 2018 handling of the Carolina Panthers workplace misconduct investigation: “In that case, the NFL hired former U.S. Attorney Mary Jo White rather than allowing the Panthers to select an investigator. The league drew a distinction because Snyder was not directly accused of any misconduct.”). In 2018, the NFL took over the Panthers investigation days after former Panthers’ owner, Jerry Richardson, announced plans to hire a law firm to conduct an internal investigation led by an outside law firm and that would be overseen by a Panthers minority owner. See e.g., *Sources: Jerry Richardson, Panthers Have Made Multiple Confidential Payouts for Workplace Misconduct, Including Sexual Harassment and Use of a Racial Slur*, *Sports Illustrated* (Dec. 17, 2017) (online at www.si.com/nfl/2017/12/17/jerry-richardson-carolina-panthers-settlements-workplace-misconduct-sexual-harassment-racial-slur).

⁹ *Former Washington Football Team Lawyer Urged Documents Related to Claim Against Daniel Snyder Destroyed*, *Washington Post* (Sept. 8, 2021) (online at www.washingtonpost.com/sports/2021/09/08/wft-beth-wilkinson-lawsuit-documents/); see also Redacted Version of Sealed Transcript of Sealed Proceedings Held on Nov. 20, 2020, *Donovan v. Wilkinson*, No. 1:20-cv-01344-AJT-IDD (E.D. Va. Sept. 15, 2021), Doc. 258 (Mr. Donovan’s attorney explained, “[M]y client has brought this action because out of the blue, a *Washington Post* reporter in July calls him and said, [redacted]. [Redacted] because this is the first time that anyone somehow saw or leaked something about [redacted] to the press. And so then Beth Wilkinson sought to interview [redacted].”).

¹⁰ Email from Simone Ross, Covington & Burling LLP, on behalf of the National Football League, to Majority Staff, Committee on Oversight and Reform (May 17, 2022).

¹¹ *Lewd Cheerleader Videos, Sexist Rules: Ex-Employees Decry Washington’s NFL Team Workplace*, *Washington Post* (Aug. 26, 2020) (online at www.washingtonpost.com/sports/2020/08/26/redskins-cheerleaders-video-daniel-snyder-washington/).

In response, Mr. Snyder attacked the veracity of these accusations and impugned the motives of his accusers. He claimed the article was a “hit job” and blamed it on “other negative agendas at work in this reporting.”¹² He insisted the lewd videos were “unauthorized or fraudulent” and expressed he was “disappointed” by the former cheerleader’s accusations, stating “unequivocally” that the incident she reported had “never happened.”¹³ Mr. Snyder also sought to place blame on others, stating he had “admittedly been too hands-off as an owner and allowed others to have day-to-day control to the detriment of our organization.”¹⁴

At that time, the NFL rebuffed calls to take control of the Wilkinson Investigation. Commissioner Goodell explained that the NFL would “continue to monitor the progress of this investigation.”¹⁵ Information obtained by the Committee reveals that the NFL began receiving private briefings from Ms. Wilkinson the same day the second *Washington Post* exposé was published.¹⁶

By late August 2020, reports emerged that Mr. Snyder was actively interfering in the Wilkinson Investigation, using private investigators to harass and intimidate witnesses. On August 31, attorneys from Katz, Marshall & Banks, LLP (KMB), the law firm representing dozens of former Commanders employees, reportedly raised concerns with the NFL about Mr. Snyder’s ongoing interference. KMB lawyers reportedly told the NFL that Mr. Snyder had used private investigators to target former employees.¹⁷ Former Commanders employees expressed to the Committee that Mr. Snyder’s use of private investigators intimidated them and discouraged them from participating in the Wilkinson Investigation.¹⁸

¹² *Facing New Allegations, Washington’s NFL Team Issued Two Statements and Left Some Confused*, Washington Post (Aug. 27, 2020) (online at www.washingtonpost.com/sports/2020/08/27/facing-new-allegations-washingtons-nfl-team-issued-two-statements-left-some-confused/).

¹³ Adam Schefter (@AdamSchefter), Twitter (Aug. 26, 2020) (online at <https://twitter.com/AdamSchefter/status/1298700885418278912>).

¹⁴ *Id.*

¹⁵ *Roger Goodell Condemns “Abhorrent Behavior,” NFL to Rely on Current Investigation of Washington*, Washington Post (Aug. 26, 2020) (online at www.washingtonpost.com/sports/2020/08/26/roger-goodell-condemns-abhorrent-behavior-nfl-rely-current-investigation-washington/).

¹⁶ See Email from Simone Ross, Covington & Burling LLP, on behalf of the National Football League, to Majority Staff, Committee on Oversight and Reform (Feb. 25, 2022) (confirming the Wilkinson law firm’s first briefing to the NFL was on August 26, 2020).

¹⁷ *NFL Asked Snyder to “Back Off” Use of Private Investigators, Lawyers Says, As PI Visits Rattle Ex-employees*, Washington Post (Sept. 4, 2020) (online at www.washingtonpost.com/sports/2020/09/04/dan-snyder-private-investigators-nfl/) (confirming the accounts of at least eight individuals who stated they were “approached by private investigators, either at their homes or via phone calls”).

¹⁸ *E.g.*, Committee on Oversight and Reform, Statement of Melanie Coburn, *Roundtable on Examining the Washington Football Team’s Toxic Workplace Culture* (Feb. 3, 2022) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/Coburn%2C%20Melanie%20-%20Opening%20Statement.220203.Final%282%29.pdf>); Committee on Oversight and Reform, Statement of Brad Baker, *Roundtable on Examining the Washington Football Team’s Toxic Workplace Culture* (Feb. 3, 2022) (online at https://oversight.house.gov/sites/democrats.oversight.house.gov/files/Baker%2C%20Brad%20-%20Opening%20Statement.220203.Final_.pdf); Committee on Oversight and Reform, Transcribed Interview of

The KMB lawyers were not the first to alert the NFL to Mr. Snyder’s use of private investigators. The Committee’s investigation uncovered evidence that weeks earlier, on August 4, 2020, John Moag, an investment banker who represented the team’s minority owners in their efforts to sell their stake in the Commanders, informed Jeffrey Pash, the NFL’s general counsel, that Mr. Snyder’s private investigators had come to his home and had also “cornered” a former Commanders employee, referred to in this memorandum as Former Staff 1.¹⁹

On August 31, 2020—six weeks after the launch of the Wilkinson Investigation—the NFL finally intervened and “informed Washington Football Team owner Daniel Snyder it [was] taking over the investigation into alleged workplace issues reported by the *Washington Post*.”²⁰ The NFL’s stated purpose for assuming oversight of the Wilkinson Investigation “was to provide greater public assurance of the integrity and independence of the investigation.”²¹

B. The NFL Entered into a Common Interest Agreement that Gave Mr. Snyder a Back Door into the Wilkinson Investigation

Although the NFL appeared to assume full control of the Wilkinson Investigation, the Committee’s investigation uncovered evidence that the NFL and the Commanders entered into a legal agreement that preserved the Commanders’ influence over the investigation. According to documents obtained by the Committee, the NFL entered into a secret agreement with the Commanders that allowed them to pursue a “joint legal strategy.”²² This agreement, known as a

Abigail Welch (May 17, 2022) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2022-05-17%20Transcribed%20Interview%20of%20Abigail%20Dymond%20Welch.pdf>); *Daniel Snyder Pledged Support for the NFL’s Investigation. His Actions Tell a Different Story*, *Washington Post* (Dec. 14, 2021) (online at www.washingtonpost.com/sports/2021/12/14/daniel-snyder-nfl-investigation/).

¹⁹ NFL-00100948, Slide 73 (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/NFL-00100948%20%28Redacted%29.pdf>). The name of the former employee has been withheld due to privacy concerns. Instead, the former employee is referred to as “Former Staff 1” in this memorandum.

²⁰ National Football League, *Press Release: NFL Taking Over Investigation of Washington Football Team* (Aug. 31, 2020) (online at www.nfl.com/news/nfl-taking-over-investigation-of-washington-football-team).

²¹ Letter from Robert Kelner, Covington & Burling LLP, on behalf of the National Football League, to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, and Chairman Raja Krishnamoorthi, Subcommittee on Economic and Consumer Policy (Nov. 4, 2021) (online at https://oversight.house.gov/sites/democrats.oversight.house.gov/files/3.%202022-02-04%20-%20Kelner%20NFL%20Nov.%204%20Letter_Redacted.pdf).

²² Letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, and Chairman Raja Krishnamoorthi, Subcommittee on Economic and Consumer Policy, to Commissioner Roger Goodell, National Football League, Inc. (Feb. 4, 2022) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2022-02-04.CBM%20RK%20to%20Goodell-NFL%20re%20Document%20Request.pdf>) (quoting the common interest agreement entered into by the NFL and the Washington Commanders, which provides that “the Parties have shared and continue to share a common legal interest in the integrity of the Investigation and the defense of reasonably anticipated litigation; as well as a common interest in a joint legal strategy to ensure compliance with all applicable state and federal laws” and “neither WFT

common interest agreement, afforded Mr. Snyder a back-channel to block the release of information and make confidential presentations designed to steer the course of the investigation. The Commanders informed the Committee that Mr. Snyder continued to receive periodic updates throughout the course of the Wilkinson Investigation.²³

The common interest agreement also prevented the NFL and the Commanders from releasing information exchanged between the team, the League, or Ms. Wilkinson's law firm during the investigation, without the other's consent. While Mr. Snyder and the NFL publicly stated that the Commanders had waived non-disclosure agreements to allow former employees to participate in the Wilkinson Investigation, they secretly agreed to abide by the limitations of the common interest agreement.

The NFL has asserted that without the common interest agreement, it "believed it would have been necessary to restart the investigation with a new law firm and a new lead investigator," and potentially re-interview witnesses who had participated in the Wilkinson Investigation.²⁴ However, even if the NFL had retained a new law firm, it presumably could have exercised its authority to require the Commanders to turn over documents and information to any newly engaged firm. The NFL's Personal Conduct Policy provides that the NFL may investigate violations of its policy and that "League and team employees are required to cooperate in any such investigation and are obligated to be fully responsive and truthful in responding to requests from investigators."²⁵

The NFL's failure to release the findings of Ms. Wilkinson's investigation raises serious questions about the role of the common interest agreement in preventing the disclosure of information that would have harmed Mr. Snyder's interests.

Mr. Snyder and his attorneys also appear to have used the common interest agreement to attempt to steer the direction of the investigation and lobby the NFL and Wilkinson law firm to discredit Mr. Snyder's perceived detractors. As shown in Sections II and III of this memorandum, Mr. Snyder and his lawyers at a different law firm, Reed Smith LLP, launched a shadow investigation into Mr. Snyder's accusers and provided the NFL and the Wilkinson law firm with derogatory information about them.

nor NFL shall have the authority to waive any applicable privilege, doctrine, or protection relating to any information and communications that are exchanged").

²³ Letter from John Brownlee & Stuart Nash, Holland & Knight LLP, on behalf of the Washington Football Team, to Majority Staff, Committee on Oversight and Reform (Jan. 28, 2022) (online at https://oversight.house.gov/sites/democrats.oversight.house.gov/files/4.%202022-02-04%20-%20Brownlee%20Nash%20WFT%20Jan%2028%20Letter_Redacted.pdf).

²⁴ Letter from Robert Kelner, Covington & Burling LLP, on behalf of the National Football League, to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, and Chairman Raja Krishnamoorthi, Subcommittee on Economic and Consumer Policy (Feb. 9, 2022) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/Letter%20from%20Robert%20Kelner%20to%20CBM%20Feb%209%202022%20%28Redacted%29.pdf>).

²⁵ National Football League, *Personal Conduct Policy* (Dec. 2014) (online at <https://static.nfl.com/static/content/public/photo/2014/12/10/0ap3000000441637.pdf>).

According to the NFL, “During the Wilkinson investigation, Reed Smith made several presentations to the NFL and the Wilkinson firm and also provided documents. Those materials, along with others collected and reviewed by the Wilkinson firm, were considered as part of the firm’s investigation.”²⁶ As discussed in Section II of this memorandum, Mr. Snyder’s attorneys made efforts to convince the Wilkinson law firm that Mr. Snyder was not responsible for the toxic workplace culture and that instead, it was Bruce Allen, the team’s former president, who should have been the focus. According to the NFL:

In April 2021, Reed Smith was asserting that Mr. Allen, not Mr. Snyder, was really in charge of day-to-day operations at the club. Counsel identified the specific inappropriate Bruce Allen emails in attempting to demonstrate that Bruce Allen had created a toxic environment at the Commanders.”²⁷

C. The NFL and the Commanders Are Using the Common Interest Agreement to Obstruct the Committee’s Investigation

The NFL and the Commanders have also used the common interest agreement to obstruct the Committee’s investigation. In addition to withholding Ms. Wilkinson’s findings from the Committee, on June 2, 2022, the NFL informed the Committee that it has withheld more than 40,000 documents from Ms. Wilkinson’s investigative file “due to the Commanders’ claim of privilege.”²⁸ These documents, which are in the possession of the NFL, are important to the Committee’s inquiry. Although the NFL has produced thousands of other documents, a significant portion of these are news articles, press clippings, publicly available legal filings, and documents irrelevant to the Committee’s investigation.

II. DANIEL SNYDER’S SHADOW INVESTIGATION

The Committee has obtained evidence that while Ms. Wilkinson was conducting an internal investigation of the Commanders on behalf of the NFL, Mr. Snyder was conducting his own shadow investigation. Mr. Snyder deployed an arsenal of tools to gather information about his accusers that were apparently used to build a dossier to discredit them.

In addition to deploying private investigators, Mr. Snyder abused the subpoena power of federal courts to obtain private emails, call logs, and communications in an effort to uncover the sources of the *Washington Post*’s exposés, undermine their credibility, and impugn their motives.

²⁶ Email from Simone Ross, Covington & Burling LLP, on behalf of the National Football League, to Majority Staff, Committee on Oversight and Reform (May 17, 2022).

²⁷ *Id.*

²⁸ Email from Robert Kelner, Covington & Burling LLP, on behalf of the National Football League, to Majority Staff, Committee on Oversight and Reform (June 1, 2022).

Mr. Snyder’s legal team made multiple presentations to the NFL during Ms. Wilkinson’s investigation, including one that involved a 100-page PowerPoint slide detailing the private communications and social media activity of *Washington Post* journalists and former employees.

Mr. Snyder also endeavored to dissuade his accusers from cooperating with the Wilkinson Investigation by sending private investigators to their homes or offering them hush money. In April 2021, as Ms. Wilkinson’s investigation was approaching its conclusion, he offered the NFL another culprit—Bruce Allen—whom Mr. Snyder accused of being responsible for the toxic workplace at the Commanders.

A. Mr. Snyder’s Abusive Court Actions

To facilitate his shadow investigation, Mr. Snyder and the law firm representing him, Reed Smith, took advantage of a legal procedure to obtain subpoenas compelling those with connections to the *Washington Post* exposés to turn over their personal communications—including emails, text messages, and phone records—regarding the allegations against the team.²⁹ He targeted these individuals around the same time that many of them would presumably have been meeting with Ms. Wilkinson as part of her investigation.

On July 16, 2020—the same day that the *Washington Post* released its first exposé—an obscure online media company based in India, Media Entertainment Arts Worldwide (MEAWW), published derogatory stories about Mr. Snyder, accusing him of sexual misconduct and connecting him to Jeffrey Epstein, the disgraced financier and convicted sex offender. On August 7, 2020, Mr. Snyder filed a \$10 million defamation lawsuit against MEAWW in a New Delhi court, and as part of his pleadings, speculated that the company had published the stories in exchange for payment by unidentified sources.³⁰ Mr. Snyder then used this Indian lawsuit to obtain information that he claimed he needed to pursue his defamation lawsuit against MEAWW.

Couched as an effort to uncover the sources behind the MEAWW articles, Mr. Snyder used a powerful litigation tool available to parties to a foreign proceeding to compel phone records, emails, and other documents from former employees and other individuals in the United States: Section 1782 petitions.³¹ As Joe Tacopina, one of Mr. Snyder’s personal attorneys,

²⁹ *Daniel Snyder Pledged Support for the NFL’s Investigation. His Actions Tell a Different Story*, *Washington Post* (Dec. 14, 2021) (online at www.washingtonpost.com/sports/2021/12/14/daniel-snyder-nfl-investigation/).

³⁰ *Washington Owner Daniel Snyder Sues Media Company over Baseless Stories*, *Washington Post* (Aug. 7, 2020) (online at www.washingtonpost.com/sports/2020/08/07/washington-owner-daniel-snyder-sues-media-company-over-baseless-stories/); *NFL Owner Dan Snyder Files \$10M Lawsuit over False Sex Trafficking Stories*, *The Hill* (Aug. 7, 2020) (online at <https://thehill.com/homenews/media/511056-nfl-owner-dan-snyder-files-10m-lawsuit-over-false-sex-trafficking-stories/>).

³¹ E.g., *In re Application of Daniel Snyder for an Order Directing Discovery from New Content Media Inc. d/b/a/ MEA WorldWide Pursuant to 28 U.S.C. § 1782*, No. 2:20-mc-00076-MWF-MRW (C.D. Cal. Aug. 7, 2020), Doc. 1; see also *Section 1782: Discovery in Support of a Foreign Proceeding*, *National Law Review* (Apr. 20, 2022) (online at www.natlawreview.com/article/section-1782-discovery-support-foreign-proceeding) (recognizing

explained in an August 2020 interview, the Section 1782 petitions would allow Mr. Snyder “to uncover who’s behind the scenes, who’s pulling the strings.”³² Through this procedure, Mr. Snyder subpoenaed emails, texts, phone records, and other communications from at least half a dozen former Commanders’ employees and others associated with the team, many of whom had no plausible connection to MEAWW’s publications.³³

A close examination of Mr. Snyder’s Section 1782 petitions suggests that his focus was not on discovering the sources of the MEAWW articles but on those who were behind the *Washington Post* exposés.³⁴ Many of the sources that Mr. Snyder sought to unmask appeared to have information relevant to Ms. Wilkinson’s investigation of the team.

Among those targeted by Mr. Snyder was Former Staff 1, whom he had accused of conspiring with a former Commanders minority owner to spread disparaging information about him to force him to sell his stake in the team.

According to a subpoena uncovered by the Committee, Mr. Snyder requested documents and communications from Former Staff 1 relating to several of the former employees who were profiled in the *Washington Post* exposés, including Megan Imbert, Rachel Engleson, and Brad Baker, as well as employees who were reportedly close with victims of harassment, including sales executive Jason Friedman and former cheerleading director Donald Wells.³⁵ Mr. Snyder also sought information related to Alex Santos, Dennis Greene, and Mitch Gershman, “three former members of Snyder’s inner circle” who were accused of “harassment and verbal abuse” in the July 2020 *Washington Post* story.³⁶

As illustrated in the excerpt of the subpoena below, Mr. Snyder sought to use Section 1782 petitions to collect documents and information to inform his shadow investigation on the

that 28 U.S.C. § 1782 permits a party to a foreign proceeding to petition federal courts to compel discovery, such as documents or testimony, from any individual or entity in the United States to aid a foreign proceeding).

³² Respondent Bruce Allen’s Answer to Petition and Motion to Vacate April 29, 2021, *Ex Parte* Order and Quash Subpoenas or, Alternatively, for Protective Order, Exhibit D (Transcript of Podcast Excerpt—Interview of Joseph Tacopina) (Aug. 14, 2020), *In re Application of Daniel Snyder for an Order Directing Discovery from Peter Schaffer Pursuant to 28 U.S.C. § 1782*, No. 1:20-mc-191-WJM-KLM (D. Colo. May 14, 2021), Doc. 8-4.

³³ *Daniel Snyder Pledged Support for the NFL’s Investigation. His Actions Tell a Different Story*, *Washington Post* (Dec. 14, 2021) (online at www.washingtonpost.com/sports/2021/12/14/daniel-snyder-nfl-investigation/).

³⁴ *E.g.*, Order, *In re Application of Daniel Snyder for an Order Directing Discovery from Jessica McCloughan and Friday Night Lights LLC Pursuant to 28 U.S.C. § 1782*, No. 1:20-mc-199-NRN (D. Colo. Mar. 5, 2021), Doc. 9.

³⁵ NFL-00101840 (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/NFL-00101840%20%28Redacted%29.pdf>); *Lewd Cheerleader Videos, Sexist Rules: Ex-Employees Decry Washington’s NFL Team Workplace*, *Washington Post* (Aug. 26, 2020) (online at www.washingtonpost.com/sports/2020/08/26/redskins-cheerleaders-video-daniel-snyder-washington/).

³⁶ NFL-00101840 (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/NFL-00101840%20%28Redacted%29.pdf>); *From Dream Job to Nightmare*, *Washington Post* (July 16, 2020) (online at www.washingtonpost.com/sports/2020/07/16/redskins-sexual-harassment-larry-michael-alex-santos/).

sources behind the allegations of the Commanders' toxic work environment, including that which related to Beth Wilkinson and her investigation:³⁷

DOCUMENTS REQUESTED

1. All non-privileged Documents and Communications, including but not limited to telephone bills or records, and text messages, concerning both (i) Mr. Snyder, Mr. Snyder's family members, and/or The Washington Football Team and (ii) any of the subject matters listed below (the "Subject Matters"). The time period for this request is September 13, 2017 to the present.

- j. Current and former cheerleader(s) of The Washington Football Team (the "Cheerleaders");
- k. Mistreatment of women based upon their gender or appearance;
- l. Sexual harassment;
- m. Sexual remarks;
- n. Inappropriate touching;
- o. Women not being permitted in area(s) of The Washington Football Team's offices and/or facilities;
- p. Removal of Mr. Snyder as an owner of The Washington Football Team;
- q. Employee complaint procedures and policies of The Washington Football Team;
- r. The Washington Football Team's code of conduct;
- s. Retaliation against employee(s) of The Washington Football Team for complaints of discrimination or harassment;
- t. A toxic culture at the workplace of The Washington Football Team;
- u. Non-disclosure agreement(s) of The Washington Football Team;

³⁷ NFL-00101840 (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/NFL-00101840%20%28Redacted%29.pdf>).

- rr. Beth Wilkinson;
- ss. An investigation of The Washington Football Team;
- tt. Fight Night
- uu. The Washington Hilton;
- vv. Anthony Roberts;
- ww. The offering of hotel room(s);
- xx. Propositioning women for sexual activity.

On November 10, 2020, Mr. Snyder filed a petition in federal court, seeking a broad set of documents and communications from Jessica McCloughan, the wife of former Commanders' general manager Scot McCloughan.³⁸ The court criticized Mr. Snyder's efforts to use his defamation lawsuit as pretext to uncover information related to the *Washington Post* exposés, noting that the document requests went "far beyond anything related to the defamatory MEAWW articles and appear[ed], instead, to be seeking, for example, any references to Mr. Snyder and sexual harassment, the Washington Football Team and sex discrimination, and former coach Jay Gruden and sex or sex discrimination." The court continued:

Indeed, the breadth of the search terms proposed, coupled with the professed desire to obtain evidence of any communications between Mrs. McCloughan and The Washington Post's reporters, indicates that the subpoenas directed to Mrs. McCloughan may be less of a bona fide effort to obtain evidence supportive of the claims brought in the Indian Action, than they are *an effort to burden and harass individuals formerly associated with the Washington Football Team who may have acted as sources for The Washington Post*.³⁹

The court further admonished Mr. Snyder for his attempts to discover the sources of the *Washington Post* exposés, finding that his actions had a chilling effect on potential witnesses:

Efforts to learn whether Mrs. McCloughan communicated with The Washington Post are improper, unnecessarily invasive, and being done for what the Court perceives is an improper purpose—to discover the sources for the embarrassing and damning The Washington Post story—rather than the proper purpose of discovering evidence about the defamatory Indian website publications. Even if this were not the intent of the subpoenas, it certainly has an adverse and chilling effect when persons who communicate

³⁸ Order, *In re Application of Daniel Snyder for an Order Directing Discovery from Jessica McCloughan and Friday Night Lights LLC Pursuant to 28 U.S.C. § 1782*, No. 1:20-mc-199-NRN (D. Colo. Mar. 5, 2021), Doc. 9.

³⁹ *Id.* (emphasis added).

with reporters on a story are at risk of having their phone records searched without substantial justification. I find that justification lacking here.⁴⁰

Between August 2020 and April 2021, Mr. Snyder reportedly filed ten Section 1782 petitions seeking documents and information from individuals or companies across seven states.⁴¹

Documents obtained by the Committee demonstrate that the NFL was aware of Mr. Snyder's actions during the Wilkinson Investigation. In particular, Ms. Wilkinson collected the Section 1782 petitions as part of her internal investigation into the Commanders.⁴² Nevertheless, the NFL apparently failed to prevent Mr. Snyder from using federal courts to target his accusers and intimidate individuals who sought to bring the Commanders' toxic workplace to light.

B. Mr. Snyder Used His Shadow Investigation to Create an Invasive Dossier on Victims, Witnesses, and Journalists

By late November 2020, nearly three months after the NFL assumed oversight of the Wilkinson Investigation, Mr. Snyder and his team of lawyers compiled information obtained through abusive litigation tactics and private investigators who targeted victims and witnesses of the Commanders' toxic work environment into a 100-slide dossier.⁴³ Mr. Snyder's goal appears to have been to craft an exculpatory narrative to present to the NFL showing that he was not responsible for the Commanders' toxic work environment but instead was the victim of a coordinated smear campaign.

⁴⁰ *Id.*

⁴¹ *Daniel Snyder Pledged Support for the NFL's Investigation. His Actions Tell a Different Story*, Washington Post (Dec. 14, 2021) (online at www.washingtonpost.com/sports/2021/12/14/daniel-snyder-nfl-investigation/); Exhibit C to Respondent Bruce Allen's Answer to Petition and Motion to Vacate April 29, 2021, *Ex Parte* Order and Quash Subpoenas or, Alternatively, for Protective Order, *In re Application of Daniel Snyder for an Order Directing Discovery from Bruce Allen Pursuant to 28 U.S.C. § 1782*, No. 2:21-mc-22-SPL (D. Ariz. May 14, 2021), Doc. 8-3 (summarizing § 1782 petitions filed by Mr. Snyder).

⁴² *E.g.*, NFL-00101840 (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/NFL-00101840%20%28Redacted%29.pdf>) (The NFL produced this document, which was part of Ms. Wilkinson's investigative file, to the Committee).

⁴³ *Id.*; see also, e.g., *Daniel Snyder Pledged Support for the NFL's Investigation. His Actions Tell a Different Story*, Washington Post (Dec. 14, 2021) (online at www.washingtonpost.com/sports/2021/12/14/daniel-snyder-nfl-investigation/); Exhibit C to Respondent Bruce Allen's Answer to Petition and Motion to Vacate April 29, 2021, *Ex Parte* Order and Quash Subpoenas or, Alternatively, for Protective Order, *In re Application of Daniel Snyder for an Order Directing Discovery from Bruce Allen Pursuant to 28 U.S.C. § 1782*, No. 2:21-mc-22-SPL (D. Ariz. May 14, 2021), Doc. 8-3 (summarizing § 1782 petitions filed by Mr. Snyder).

The Committee has obtained one of several presentations Mr. Snyder’s attorneys made to the NFL and the Wilkinson team that, “along with others collected and reviewed by the Wilkinson firm, were considered as part of the firm’s investigation.”⁴⁴

The 100-slide PowerPoint presentation, dated November 23, 2020, appears to be based on private text messages, emails, phone logs and call transcripts, and social media posts from nearly 50 individuals who Mr. Snyder apparently believed were involved in a conspiracy to disparage him, including Former Staff 1, whom he had accused of plotting against him with a former minority owner.⁴⁵

The dossier also presented information on victims of the Commanders’ toxic work culture—Megan Imbert, Emily Applegate, and Brad Baker, among others who were profiled in *Washington Post* exposés—and even the journalists who had covered their stories.⁴⁶ Mr. Snyder’s attorney provided this dossier to both the NFL and Ms. Wilkinson’s team.

The dossier appears to reflect attempts to identify those who had shared disparaging information about Mr. Snyder and the Commanders with the *Washington Post* and to undermine their credibility.

Targeting Journalists

The dossier targeted journalists, including Liz Clarke, Will Hobson, and Beth Reinhard—all of whom work for the *Washington Post* and authored the July 16, 2020, and August 26, 2020, exposés. The slides pertaining to these journalists describe their phone records, social media connections to former Commanders employees, and other stories they had written about Mr. Snyder. For instance, the dossier describes Liz Clarke’s connections to “Other Persons of Interest,” including Megan Imbert and Rachel Engleson, both former Commanders employees who were profiled in the August 26, 2020, *Washington Post* exposé.⁴⁷

⁴⁴ NFL-00100948 (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/NFL-00100948%20%28Redacted%29.pdf>). The NFL confirmed to the Committee that this document “was provided to the NFL by Reed Smith on November 23, 2020.” Email from Simone Ross, Covington & Burling LLP, on behalf of the National Football League, to Majority Staff, Committee on Oversight and Reform (May 17, 2022).


⁴⁵ NFL-00100948 (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/NFL-00100948%20%28Redacted%29.pdf>).

⁴⁶ *Id.* at Slide 1. The Committee has redacted the names of several individuals discussed in the dossier to preserve their privacy.

⁴⁷ *Id.* at Slide 5.

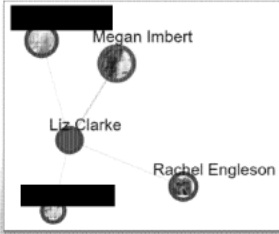
Liz Clarke

- Liz Clarke is a journalist with The Washington Post.
- On July 16, 2020, Clarke, along with Will Hobson, published the Post article titled *From dream job to nightmare*.
- On August 26, 2020, Clarke, along with Will Hobson and Beth Reinhard, published the Post article titled *Lewd cheerleader videos, sexist rules: Ex-employees decry Washington's NFL team workplace*.



Liz Clarke's Social Media Connections to Other Persons of Interest

Megan Imbert, [REDACTED], and Rachel Engleson, [REDACTED] follow Clarke on social media.



Targeting Victims and Whistleblowers

The dossier identified a category of targets described as “Former WFT [Washington Football Team] Employees (Accusers).”⁴⁸ As described further below, each of the individuals in this section shared their experiences with the Commanders’ workplace misconduct with the *Washington Post*. Among those targeted was Emily Applegate, the first woman to speak out about suffering harassment at the hands of a senior Commanders executive. Brad Baker, who told the *Post* that the “lewd outtakes” video from cheerleaders’ calendar photo shoots were made for Mr. Snyder, was also included in the dossier. Other targets included Megan Imbert, who confirmed the production of the lewd outtakes video; Donald Wells, the cheerleading director who corroborated Tiffany Bacon Scourby’s account that Mr. Snyder had propositioned her on behalf of a friend; and Rachel Engleson, who had shared her experience with sexual harassment at the hands of Commanders’ senior executive, Larry Michael.⁴⁹

In addition to information about social media activity, the dossier also revealed private emails and other exchanges. For example, slides pertaining to Ms. Applegate included a screenshot of a flower order from Former Staff 1 to Ms. Applegate in 2015, which included both of their home addresses and a personal message.⁵⁰

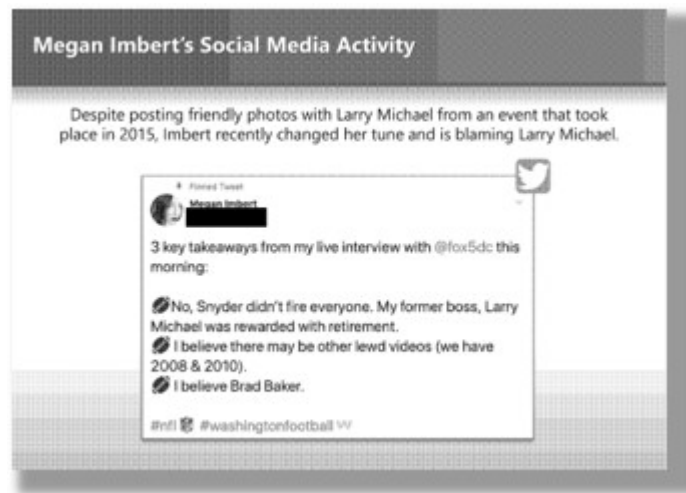
By providing this dossier to the NFL and Ms. Wilkinson’s team, Mr. Snyder may have been trying to discredit former employees who had accused Mr. Snyder or members of the team’s leadership of wrongdoing. For example, slides pertaining to Ms. Imbert focused on her allegations against Larry Michael, one of Mr. Snyder’s long-time executives. One slide stated,

⁴⁸ *Id.* at Slide 16.

⁴⁹ *Id.* at Slides 17-23.

⁵⁰ *Id.* at Slide 19.

“Despite posting friendly photos with Larry Michael from an event that took place in 2015, Imbert recently changed her tune and is blaming Larry Michael.”⁵¹



The Committee’s investigation revealed that Mr. Snyder was aware that Larry Michael had previously been the subject of misconduct complaints but had failed to take the accusations seriously. Mr. Michael, the former “Voice of the Washington Commanders,” had been accused of sexual misconduct by multiple employees spanning several years, and according to material produced by the NFL to the Committee, was even caught on video making lewd remarks about a Commanders intern.⁵²

According to testimony from Brian Lafemina, who served as the team’s President of Business Operations and Chief Operating Officer in 2018, Mr. Snyder learned that Rachel Engleson had complained of sexual harassment by Larry Michael. In particular, she accused Mr. Michael of “unwanted comments [regarding her appearance] and touching, including kisses on her forehead” that made her “feel uncomfortable.” In response, Mr. Snyder dismissed the allegations, stating that “Larry was a sweetheart and that Larry wouldn’t hurt anybody.”⁵³ Mr. Michael resigned shortly after the allegations in the *Washington Post* came to light in 2020.⁵⁴

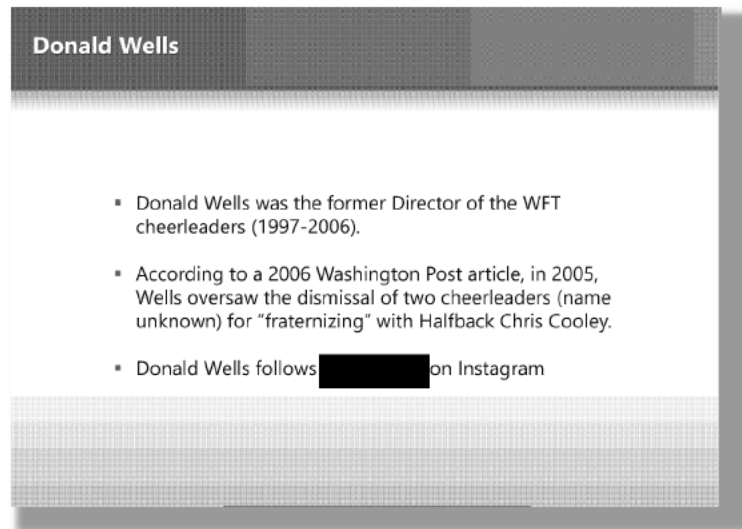
⁵¹ *Id.* at Slide 27.

⁵² *From Dream Job to Nightmare*, Washington Post (July 16, 2020) (online at www.washingtonpost.com/sports/2020/07/16/redskins-sexual-harassment-larry-michael-alex-santos/); *see also* NFL-00102312 (This is a video file, produced by the NFL, labeled as “Michael, Larry – Hot Mic Clip” and showing what appears to be a Commanders training camp practice. Mr. Michael’s voice can be heard while off camera commenting on an intern’s physical appearance).

⁵³ Committee on Oversight and Reform, Deposition of Brian Lafemina (Apr. 8, 2022) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2022-03-30%202022-04-08%20Depositions%20of%20Brian%20Lafemina.pdf>).

⁵⁴ *From Dream Job to Nightmare*, Washington Post (July 16, 2020) (online at www.washingtonpost.com/sports/2020/07/16/redskins-sexual-harassment-larry-michael-alex-santos/).

The dossier also focused on Donald Wells, the former director of the Commanders' cheerleading program, who had publicly corroborated allegations against Mr. Snyder. The dossier stated that Mr. Wells had overseen "the dismissal of two cheerleaders (name unknown) for 'fraternizing' with Halfback Chris Cooley."⁵⁵



However, the Committee uncovered evidence during its investigation that Mr. Snyder directed the firing of the two cheerleaders for engaging in romantic relationships with former football player Chris Cooley. In a deposition, David Pauken, the team's then-Chief Operating Officer, explained that when he learned about the relationships, he discussed them with Mr. Snyder, who made the decision to fire both cheerleaders. As Mr. Pauken explained:

I talked to Dan about it. I talked to [redacted] about it. ... And the decision was made by Dan, which I agreed with, to fire [redacted]. So we fired [redacted], or I had Donald Wells do that.⁵⁶

As Mr. Pauken explained, Mr. Snyder's decision was part of a pattern of firing female employees who engaged in consensual sexual relationships with male members of the team's football operations in order to "minimize distractions, temptations for players."⁵⁷ Mr. Pauken admitted:

⁵⁵ *Lewd Cheerleader Videos, Sexist Rules: Ex-Employees Decry Washington's NFL Team Workplace*, Washington Post (Aug. 26, 2020) (online at www.washingtonpost.com/sports/2020/08/26/redskins-cheerleaders-video-daniel-snyder-washington/); NFL-00100982, Slide 35.

⁵⁶ Committee on Oversight and Reform, Deposition of David Pauken (June 7, 2022) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2022-06-07%20Deposition%20of%20David%20Pauken.pdf>).

⁵⁷ *Id.*

This was a situation where the female employee was treated differently than the male. The female employees were fired, the male employee was—there were no repercussions other than he was restricted from additional sex with the cheerleaders.⁵⁸

Mr. Snyder's dossier also confirms that the NFL was aware of Mr. Snyder's use of private investigators weeks before it assumed oversight of the Wilkinson Investigation.⁵⁹ As described above, the dossier contained an August 4, 2020, email from John Moag, a target of Mr. Snyder's Section 1782 petition, to Jeffrey Pash, the NFL's general counsel. In the email Mr. Moag informed the NFL's general counsel that Mr. Snyder had sent private investigators to his home who had also "cornered" Former Staff 1.⁶⁰

Targeting Attorneys Representing Victims

The dossier also focused on KMB, the law firm that represented a group of more than 20 former Commanders employees, including cheerleaders, who had spoken out against the team's toxic work culture.⁶¹ The dossier used Former Staff 1's phone records to provide a detailed count of the phone calls between Former Staff 1, whom the firm represented in 2020, and the firm's partners, Lisa Banks and Debra Katz. KMB was one of the most outspoken critics of Mr. Snyder and had previously informed him of plans to sue the team over the secret production of lewd outtakes videos.⁶²

⁵⁸ *Id.*

⁵⁹ *NFL Asked Snyder to "Back Off" Use of Private Investigators, Lawyer Says, as PI Visits Rattle Ex-Employees*, Washington Post (Sept. 4, 2020) (online at www.washingtonpost.com/sports/2020/09/04/dan-snyder-private-investigators-nfl/).

⁶⁰ NFL-00100948, Slide 73 (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/NFL-00100948%20%28Redacted%29.pdf>).

⁶¹ *Id.* at Slides 89-90.

⁶² *NFL Asked Snyder to "Back Off" Use of Private Investigators, Lawyer Says, as PI Visits Rattle Ex-Employees*, Washington Post (Sept. 4, 2020) (online at www.washingtonpost.com/sports/2020/09/04/dan-snyder-private-investigators-nfl/); *see also, e.g.*, Letter from Lisa Banks and Debra Katz; Katz, Marshall & Banks, LLP; to Roger Goodell, Commissioner, National Football League, Inc. (Aug. 27, 2020) (online at www.kmblegal.com/sites/default/files/200827%20Letter%20to%20Goodell.pdf).

Katz, Marshall & Banks LLP					
<ul style="list-style-type: none"> ▪ Katz, Marshall & Banks is a law firm representing several former employees of the WFT. ▪ Although the Firm originally represented [REDACTED] the Firm has since withdrawn its representation. ▪ [REDACTED] spoke to attorneys at the Firm over 77 times. 					
Summary of [REDACTED] Phone Records					
	Incoming	Outgoing	Total Calls	Total Call Time (minutes)	Total Texts
Katz, Marshall & Banks	16	22	38	471	0
Debra Katz	2	2	4	31	0
Lisa Banks	20	13	33	171	0
[REDACTED]	1	1	2	17	0

C. Mr. Snyder’s Shadow Investigation Was Used to Intimidate and Silence Witnesses

The Committee’s investigation has revealed evidence that throughout the Wilkinson Investigation, Mr. Snyder tried to buy the silence of his accusers and intimidate them by sending private investigators to their homes. During a transcribed interview of Jason Friedman, a former sales executive who served under Mr. Snyder for more than two decades, explained that Mr. Snyder displayed a pattern of intimidating behavior and attempted to silence employees who raised allegations of misconduct. Mr. Friedman described the team’s efforts under Mr. Snyder as follows:

Obey first. If you don’t obey, intimidate. If you still don’t obey, terminate. And then if you didn’t go away and you tried to sue the team for wrongful termination, it would be to fight back. If that didn’t work, buy off.⁶³

As described in Section I, the NFL was aware of Mr. Snyder’s use of private investigators as early as August 2020.⁶⁴ Yet, the Committee’s investigation showed that Mr. Snyder continued using private investigators through at least the Spring of 2021.⁶⁵ In a transcribed interview, one former cheerleader described her reaction to having Mr. Snyder’s investigator repeatedly show up at her home: “I was scared because I had three young

⁶³ Committee on Oversight and Reform, Transcribed Interview of Jason Friedman (Mar. 14, 2022) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2022-03-14%20Transcribed%20Interview%20of%20Jason%20Friedman.pdf>).

⁶⁴ NFL-00100948, Slide 73 (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/NFL-00100948%20%28Redacted%29.pdf>).

⁶⁵ Committee on Oversight and Reform, Transcribed Interview of Abigail Welch (May 17, 2022) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2022-05-17%20Transcribed%20Interview%20of%20Abigail%20Dymond%20Welch.pdf>).

children And I was nervous not knowing what this man wanted and how far he was going to go to get what he wanted.⁶⁶

In addition to using private investigators to intimidate witnesses, evidence suggests Mr. Snyder attempted to buy his accusers' silence. As Mr. Friedman described, "If that didn't work, buy off."⁶⁷

In fall 2020, Mr. Snyder's attorneys reportedly attempted to block Ms. Wilkinson from speaking to a former employee who had accused Mr. Snyder of sexual misconduct in 2009 and received a \$1.6 million settlement from the team. When Ms. Wilkinson insisted on moving forward, the team's former general counsel, David Donovan, sued Ms. Wilkinson in federal court and the Commanders intervened in the litigation.⁶⁸ Although much of the litigation remains under seal, news reports suggest that Brendan Sullivan, the employee's lawyer, accused Mr. Snyder's attorneys of offering his client "more money beyond the \$1.6 million the team paid in 2009, if she agreed not to speak to anyone about her allegations against Snyder and her settlement with the team."⁶⁹ Mr. Snyder's attorneys denied this claim. However, in a court filing, Ms. Wilkinson described efforts to force a witness into "silence and non-cooperation" that were "documented and rebuffed" by Brendan Sullivan.⁷⁰

Ms. Wilkinson's court filings also accused Mr. Donovan of attempting to use the "secret litigation to derail Ms. Wilkinson and her firm, Wilkinson Stekloff LLP, from conducting an independent investigation [redacted] into allegations of sexual and other workplace misconduct."⁷¹ Documents obtained by the Committee suggest Mr. Snyder and his team were behind these efforts. A legal document prepared by attorneys for Ms. Wilkinson during the Donovan litigation states that the Commanders "launched a series of attacks against Ms. Wilkinson. In doing so, the Team plainly staked out a position of adversity with Ms. Wilkinson and the Firm more generally."⁷²

⁶⁶ *Id.*

⁶⁷ Committee on Oversight and Reform, Transcribed Interview of Jason Friedman (Mar. 14, 2022) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2022-03-14%20Transcribed%20Interview%20of%20Jason%20Friedman.pdf>).

⁶⁸ Complaint (Redacted per Order dated Aug. 31, 2021), *Donovan v. Wilkinson*, No. 1:20-cv-1344-AJT-IDD (E.D. Va. Sept 7, 2021), Doc. 232 (originally filed Nov. 9, 2020).

⁶⁹ *Daniel Snyder Pledged Support for the NFL's Investigation. His Actions Tell a Different Story*, Washington Post (Dec. 14, 2021) (online at www.washingtonpost.com/sports/2021/12/14/daniel-snyder-nfl-investigation/).

⁷⁰ Beth Wilkinson's Opposition to Plaintiff's Motion for Leave to File under Seal and Seal Case (Redacted per Order dated Aug. 31, 2021), *Donovan v. Wilkinson*, No. 1:20-cv-1344-AJT-IDD (E.D. Va. Sept 7, 2021), Doc. 239 (originally filed Nov. 11, 2020).

⁷¹ *Id.*

⁷² Letter from Thomas G. Connolly, et al.; Harris, Wiltshire & Grannis LLP, on behalf of Beth Wilkinson and Wilkinson Walsh, to [redacted], on behalf of Washington Football Team (May 20, 2021) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/Letter%20from%20Thomas%20Connolly%20to%20WFT%20May%202020%202021%20%28Redacted%29.pdf>).

After the *Washington Post* published a story about the litigation and the attempts by Mr. Snyder's lawyers to "prevent Wilkinson from speaking to Snyder's accuser," Commissioner Goodell downplayed Mr. Snyder's actions, characterizing them as "a little bit of a tug and a pull with particularly lawyers and law firms" and stating: "The one thing I can say with 100 percent assurance is that it didn't interfere with the work our investigators did."⁷³

Months after Mr. Donovan sued Ms. Wilkinson, in February 2021, Mr. Snyder's attorneys from Reed Smith reportedly tried to silence other former female employees who had spoken out about the sexual harassment they endured at the Commanders, offering them payments in exchange for signing non-disclosure agreements.⁷⁴

Melanie Coburn confirmed this at the Committee's February 2022 roundtable, explaining:

[Mr. Snyder] offered hush money to a group of us in exchange for our silence last February, but we declined. This was offensive and certainly felt like intimidation and witness tampering to us.⁷⁵

D. Mr. Snyder's Shadow Effort to Scapegoat His Former Team President

Evidence obtained by the Committee suggests that Mr. Snyder collected derogatory information on former team president Bruce Allen in an attempt to deflect responsibility for the Commanders' toxic workplace, and allegations against Mr. Snyder personally.

In April 2021, Mr. Snyder tried to convince the NFL that, as the former team president, Mr. Allen was "really in charge of day-to-day operations at the club" and therefore responsible for the team's toxic work culture.⁷⁶

The Committee's investigation has revealed that to achieve this goal, Mr. Snyder and his lawyers deployed private investigators to the homes of former cheerleaders—several of whom

⁷³ *Daniel Snyder Pledged Support for The NFL's Investigation. His Actions Tell a Different Story*, Washington Post (Dec. 14, 2021) (online at www.washingtonpost.com/sports/2021/12/14/daniel-snyder-nfl-investigation/); *Roger Goodell Says Daniel Snyder "Didn't Interfere with the Work that our Investigator Did,"* Washington Post (Dec. 15, 2021) (online at www.washingtonpost.com/sports/2021/12/15/nfl-roger-goodell-wft-daniel-snyder/).

⁷⁴ *Report: Former WFT Employees Say Team Offered Money for Public Silence About Workplace*, Sports Illustrated (Oct. 13, 2021) (online at www.si.com/nfl/2021/10/13/former-employees-washington-football-team-offered-money-silence-harassment).

⁷⁵ Committee on Oversight and Reform, Statement of Melanie Coburn, *Roundtable on Examining the Washington Football Team's Toxic Workplace Culture* (Feb. 3, 2022) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/Coburn%2C%20Melanie%20-%20Opening%20Statement.220203.Final%282%29.pdf>).

⁷⁶ Email from Simone Ross, Covington & Burling LLP, on behalf of the National Football League, to Majority Staff, Committee on Oversight and Reform (May 17, 2022).

had signed non-disclosure agreements in connection with the Commanders lewd video scandal—to ask questions about Bruce Allen and his involvement in sexual misconduct at the team.⁷⁷

In addition, Mr. Snyder targeted Mr. Allen with a Section 1782 petition, filed in federal court in Arizona, seeking to compel documents and information under the guise of his defamation lawsuit in India. As part of these requests, Mr. Snyder sought communications that Mr. Allen had with or regarding the *Washington Post*. According to court records, when asked to explain the basis for this request, Mr. Snyder’s lawyers acknowledged their belief that it would reveal Mr. Allen as a source for the *Washington Post*’s exposés.⁷⁸ Mr. Snyder also requested Mr. Allen’s communications and records related to Jeff Pash, the NFL’s general counsel, and Melanie Coburn, a former employee and one of Mr. Snyder’s accusers—both of which clearly exceeded the scope of the MEAWW litigation.

Mr. Snyder and his lawyers also collected emails from Mr. Allen’s inactive Commanders email account and provided them to the NFL and the Wilkinson law firm for consideration in the Wilkinson Investigation. According to the NFL, in total, “Reed Smith provided the Wilkinson firm and the NFL with more than 400,000 emails from Bruce Allen’s email account.”⁷⁹

By June 2021, Mr. Snyder and his attorneys identified specific “inappropriate” emails within the set of 400,000 that they purportedly believed demonstrated that Mr. Allen should have been the main target of the Wilkinson Investigation.⁸⁰ As the NFL explained to Committee staff, Mr. Snyder’s “[c]ounsel identified the specific inappropriate Bruce Allen emails in attempting to demonstrate that Bruce Allen had created a toxic environment at the Washington Commanders.”⁸¹

⁷⁷ Committee on Oversight and Reform, Interview of Abigail Welch (May 17, 2022) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2022-05-17%20Transcribed%20Interview%20of%20Abigail%20Dymond%20Welch.pdf>).

⁷⁸ Respondent Bruce Allen’s Reply in Support of His Motion to Vacate, Exhibit 2, *In re Application of Daniel Snyder for an Order Directing Discovery from Bruce Allen Pursuant to 28 U.S.C. § 1782*, No. 2:21-mc-22-SPL (D. Ariz. July 2, 2021), Doc. 20-2 (In a June 14, 2021 email to Mr. Allen’s attorney, Mr. Snyder’s attorney explains: “[T]here is substantial written evidence from Mr. Allen’s tenure as President of the Team that he spoke with members of the media on many, many occasions, and fed information to the media for stories. This, discovery from him on communications with or about the Washington Post—limited as it is to calendar year 2020—is relevant.”).

⁷⁹ Email from Simone Ross, Covington & Burling LLP, on behalf of the National Football League, to Majority Staff, Committee on Oversight and Reform (May 17, 2022); see also *John Gruden Emails Were Part of June Court Filing by WFT Owner Dan Snyder*, Los Angeles Times (Oct. 12, 2021) (online at www.latimes.com/sports/story/2021-10-12/nfl-jon-gruden-emails-washington-football-team).

⁸⁰ Email from Simone Ross, Covington & Burling LLP, on behalf of the National Football League, to Majority Staff, Committee on Oversight and Reform (May 17, 2022).

⁸¹ *Id.*

Mr. Snyder's efforts to target his former team president were apparently successful: the NFL launched a "targeted review" of Mr. Allen's emails, which involved examining troubling exchanges between Mr. Allen, former Raiders Coach Jon Gruden, and Jeff Pash.⁸²

The NFL's decision to allow Mr. Snyder's lawyers to make presentations to the League to blame Mr. Allen for the team's toxic culture raises further questions about the integrity of the NFL's handling of the Wilkinson Investigation. The NFL has refused to tell the Committee how many presentations Mr. Snyder's lawyers made to the NFL and Ms. Wilkinson's firm. The NFL has also refused to turn over the documents related to these additional presentations by Mr. Snyder's lawyers.⁸³

III. THE NFL COMMISSIONER REJECTED A PLANNED WRITTEN REPORT FROM MS. WILKINSON DESPITE A PRE-EXISTING AGREEMENT

Documents obtained by the Committee indicate that the NFL changed its plan to receive a written report upon the conclusion of the Wilkinson Investigation. In particular, the Committee obtained a September 2020 retainer agreement between the NFL and the Wilkinson law firm that provides that the firm was to "complete a written report of its findings and make recommendations regarding any remedial measures."⁸⁴ Despite the plain language of this agreement, the NFL later changed plans, a decision that made it less likely that findings of the investigation would come to light. According to the NFL, the "Commissioner requested that Ms. Wilkinson brief him orally on her investigative findings and recommendations." The NFL has claimed an oral briefing would "better preserve the anonymity assurances given to many of the witnesses and the confidentiality of the investigative information, findings, and recommendations."⁸⁵ However, this reasoning cannot be reconciled with the NFL's history of

⁸² *Id.*; see also *Raiders Coach Resigns After Homophobic and Misogynistic Emails*, New York Times (Oct. 10, 2021) (online at www.nytimes.com/2021/10/11/sports/football/what-did-jon-gruden-say.html); *NFL General Counsel Surfaces in Email Scandal that Led to Jon Gruden's Resignation*, Wall Street Journal (Oct. 14, 2021) (online at www.wsj.com/articles/jeff-pash-gruden-emails-nfl-11634261607).

⁸³ Despite requests from the Committee, the NFL has failed to provide additional information regarding the number of briefings by Mr. Snyder's lawyers. The NFL has also refused to produce to the Committee documents related to its March 29, 2021; April 6, 2021; June 8, 2021; and June 14, 2021, written briefings.

⁸⁴ Engagement Letter Between National Football League and Wilkinson Walsh LLP (Sept. 4, 2020) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/WW%20NFL%20Engagement%20Letter%20Sept%202020%20%28Redacted%29.pdf>).

⁸⁵ Letter from Robert Kelner, Covington & Burling LLP, on behalf of the National Football League, to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, and Chairman Raja Krishnamoorthi, Subcommittee on Economic and Consumer Policy (Nov. 4, 2021) (online at https://oversight.house.gov/sites/democrats.oversight.house.gov/files/3.%202022-02-04%20-%20Kelner%20NFL%20Nov.%202021%20Letter_Redacted.pdf); see also Email from Simone Ross, Covington & Burling LLP, on behalf of the National Football League, to Majority Staff, Committee on Oversight and Reform (Feb. 25, 2022).

completing and releasing workplace investigation reports while protecting the identities of confidential witnesses.⁸⁶

The NFL received at least 16 briefings from the Wilkinson law firm related to Ms. Wilkinson’s findings, including at least four written briefings. Commissioner Goodell was personally briefed at least twice. Figure 1 below provides the dates of briefings provided to the NFL by Ms. Wilkinson and her team.

Figure 1. Wilkinson Investigation Team’s Briefings for NFL Personnel⁸⁷

Date	Form	NFL Personnel Briefed
Aug. 26, 2020	Oral	NFL General Counsel Staff
Sept. 11, 2020	Oral	NFL General Counsel Staff
Sept. 15, 2020	Oral	NFL General Counsel Staff
Sept. 24, 2020	Oral	NFL General Counsel Staff
Sept. 30, 2020	Oral	NFL General Counsel Staff
Oct. 20, 2020	Oral	NFL General Counsel Staff
Oct. 26, 2020	Oral	NFL General Counsel Staff
Jan. 5, 2021	Oral	NFL General Counsel Staff
Mar. 2, 2021	Oral	Commissioner Goodell
Mar. 24, 2021	Oral	NFL General Counsel Staff
Mar. 29, 2021	Written	NFL General Counsel Staff
Apr. 6, 2021	Written	NFL General Counsel Staff
Apr. 26, 2021	Oral	Commissioner Goodell
June 8, 2021	Oral; Written	NFL General Counsel Staff
June 14, 2021	Oral; Written	NFL General Counsel Staff
June 28, 2021	Oral	NFL General Counsel Staff

Following Commissioner Goodell’s second and final briefing on April 26, 2021, the NFL waited approximately two additional months to announce the outcome of the Wilkinson Investigation—during which time Mr. Snyder and his lawyers had private discussions with the

⁸⁶ See e.g., Paul, Weiss, Rifkind, Wharton & Garrison LLP, *Report to the National Football League Concerning Issues of Workplace Conduct at the Miami Dolphins* (Feb. 14, 2014) (online at <http://apps.washingtonpost.com/g/documents/sports/nfl-report-on-richie-incognito-dolphins-harassment-of-jonathan-martin/803/>).

⁸⁷ Email from Simone Ross, Covington & Burling LLP, on behalf of the National Football League, to Majority Staff, Committee on Oversight and Reform (Feb. 25, 2022); see also Letter from Robert Kelner, Covington & Burling LLP, on behalf of the National Football League, to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, and Chairman Raja Krishnamoorthi, Subcommittee on Economic and Consumer Policy (Nov. 4, 2021) (online at https://oversight.house.gov/sites/democrats.oversight.house.gov/files/3.%202022-02-04%20-%20Kelner%20NFL%20Nov.%204%20Letter_Redacted.pdf) (explaining that Janet Nova, the NFL’s Deputy General Counsel for Media and League Business Affairs, and Lisa Friel, the NFL’s Special Counsel for Investigations served as the “day-to-day points of contact for Ms. Wilkinson and her team.” According to the NFL, these NFL employees received “regular updates on the progress of the investigation, and rendered assistance when requested, to facilitate interaction with WFT personnel and to provide League-related materials to Wilkinson Stekloff.”).

League regarding the outcome of the investigation, including the July 1, 2021, press release and the remedial actions required by the NFL.⁸⁸

On July 1, 2021, the NFL announced the outcome of Ms. Wilkinson's investigation in a press release containing vague and conclusory findings, including that the Commanders' workplace was "highly unprofessional," that "[b]ullying and intimidation frequently took place," and that "senior executives engaged in inappropriate conduct themselves." As a result of its findings, the NFL reportedly levied a \$10 million penalty against the team.⁸⁹

In the same release, the NFL stated, "None of the managers or executives identified as having engaged in misconduct is still employed at the club."⁹⁰

Although the press release acknowledged that Mr. Snyder had failed to ensure the Commanders had an appropriate workplace culture, it did not describe evidence showing Mr. Snyder was a key element of the team's toxic culture. Some of Mr. Snyder's misdeeds were made public during the Wilkinson Investigation.⁹¹ Others were revealed at the Committee's February 3, 2022, roundtable.⁹² During the course of its investigation, the Committee has uncovered yet more evidence that Mr. Snyder was aware of and responsible for the team's culture of harassment, abuse, and bullying.

IV. THE TOXIC WORK ENVIRONMENT THAT HAS BEEN SHIELDED BY NFL

As shown above, Mr. Snyder went to considerable lengths as part of his shadow investigation to undermine the Wilkinson Investigation, including by attempting to discredit accusers, intimidate witnesses, and shift blame to others. Unfortunately, because the NFL declined to release detailed findings from the internal investigation, the full extent of misconduct at the team is not publicly known.

⁸⁸ Email from Simone Ross, Covington & Burling LLP, on behalf of the National Football League, to Majority Staff, Committee on Oversight and Reform (Jan. 7, 2022); Email from Simone Ross, Covington & Burling LLP, on behalf of the National Football League, to Majority Staff, Committee on Oversight and Reform (May 17, 2022).

⁸⁹ National Football League, *Press Release: NFL Announces Outcome of Washington Football Team Workplace Review* (July 1, 2021) (online at www.nfl.com/news/nfl-announces-outcome-of-washington-football-team-workplace-review).

⁹⁰ *Id.*

⁹¹ E.g., *Lewd Cheerleader Videos, Sexist Rules: Ex-Employees Decry Washington's NFL Team Workplace*, Washington Post (Aug. 26, 2020) (online at www.washingtonpost.com/sports/2020/08/26/redskins-cheerleaders-video-daniel-snyder-washington/); *Washington Football Team Settled Sexual Misconduct Claim Against Daniel Snyder for \$1.6 Million* (Dec. 22, 2020) (online at www.washingtonpost.com/sports/daniel-snyder-sexual-misconduct-settlement/2020/12/22/f81131d8-4339-11eb-a277-49a6d1f9dff1_story.html).

⁹² E.g., Committee on Oversight and Reform, *Press Release: At Committee Roundtable, Former Washington Commanders Employees Detail Widespread Sexual Harassment by Top Executives* (Feb. 3, 2022) (online at <https://oversight.house.gov/news/press-releases/at-committee-roundtable-former-washington-commanders-employees-detail-widespread>); *Ex-Washington Employees Describe Harassment to Congress*, NBC Sports (Feb. 3, 2022) (online at www.nbcsports.com/washington/commanders/ex-washington-employees-describe-unavoidable-workplace-harassment-congress).

The Committee has obtained new information about the toxic work environment at the Commanders and about Mr. Snyder's role. Examples of that new information are below.

A. Mr. Snyder Dismissed Allegations of Sexual Harassment and Groping to Protect Male Executives and Members of His Coaching Staff

David Pauken, Chief Operating Officer for the Commanders from 2001 to 2006, testified in a Committee deposition that when Mr. Snyder learned that a member of the team's coaching staff had groped a public relations employee, he refused to take action against the coach and instead directed that the employee who had been groped "stay away from the coach." As Mr. Pauken explained:

Well, I had spent, at that point, six years with Dan. I knew the importance of things that were important to him. This was a new coach and we weren't going to disrupt that new coach. And so we were going to make the problem go away as best we could.⁹³

Brian Lafemina, President of Business Operations and Chief Operating Officer for the Commanders in 2018, described in his deposition how Mr. Snyder defended a former senior executive who had been accused of sexual harassment. Mr. Lafemina testified that he called Mr. Snyder to inform him that the subordinate "had felt uncomfortable over a period of time with her interactions with Larry Michael, the fact that he had commented about her appearance in public at events where he was the emcee and she was working the event, and that at times he had touched her on the cheeks and kissed her on the forehead." Mr. Lafemina said this of Mr. Snyder's response: "He said that Larry was a sweetheart and that Larry wouldn't hurt anybody."⁹⁴

B. Mr. Snyder Was Responsible for Sexualizing the Commanders' Cheerleading Program

David Pauken testified that Mr. Snyder was responsible for the overly sexual nature of the cheerleading program and mocked Mr. Pauken for opposing his vision. Mr. Pauken testified that when he told Mr. Snyder that he was uncomfortable with the "the way the NFL sexualizes cheerleaders," Mr. Snyder asked Mr. Pauken "if I liked girls." Mr. Pauken explained, "That anybody who likes girls likes cheerleaders, and if you don't, if you're uncomfortable with the cheerleaders, maybe you don't like girls. That was my understanding of where he was going

⁹³ Committee on Oversight and Reform, Deposition of David Pauken (June 7, 2022) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2022-06-07%20Deposition%20of%20David%20Pauken.pdf>).

⁹⁴ Committee on Oversight and Reform, Deposition of Brian Lafemina (Apr. 8, 2022) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2022-03-30%202022-04-08%20Depositions%20of%20Brian%20Lafemina.pdf>).

with that.” When asked who was responsible for the oversexualization of the cheerleading program at the Commanders, Mr. Pauken answered, “Dan Snyder.”⁹⁵

Mr. Pauken also testified how Mr. Snyder—together with Dennis Greene, another Commanders executive—pushed for the team to sell sponsors and suite holders access to cheerleader photo shoots years before Mr. Greene reportedly resigned in connection with his involvement in a 2013 cheerleader photo shoot where male sponsors and suite holders were provided up close access to cheerleaders as a “perk” during a trip to Costa Rica.⁹⁶ Mr. Pauken testified that Mr. Snyder and Mr. Greene “wanted access to the calendar shoots for sponsors and others—other paying customers. It could have been a suite holder. It could have been anybody paying money would have been probably eligible. It was considered an experience that could be sold.” Mr. Pauken further explained:

There wasn’t a year that went by where Dan didn’t push me to allow Dennis Greene or other people in the sales and marketing staff to allow sponsors or other paying guests to attend a calendar shoot. And I never allowed it.⁹⁷

Mr. Pauken also described how Mr. Snyder objectified Commanders cheerleaders and made crass comments about their physical appearance. Mr. Pauken testified that on more than one occasion, when he was summoned to Mr. Snyder’s box before a game, Mr. Snyder remarked to a friend, “hey, do you think Dave is gay? And his friend would say, yeah, he must be gay. And Dan would say, yeah, he has to be gay. As ugly as these cheerleaders are. Pauken, are you gay? You must be gay. How could you have a cheerleading squad that looked like this?”⁹⁸

C. **Mr. Snyder Promoted a Culture that “Glorified Drinking and Womanizing” Enabled by Fear**

Jason Friedman, a 24-year veteran of the Commanders, described how the team’s culture “glorified drinking and womanizing” and how Mr. Snyder himself pressured employees to drink excessively. Mr. Friedman explained that Mr. Snyder used fear to prevent employees and even executives from speaking out against this toxic work culture, noting: “The silence was the enabler and the silence was driven by fear, and that fear was justified by actions. It was not

⁹⁵ Committee on Oversight and Reform, Deposition of David Pauken (June 7, 2022) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2022-06-07%20Deposition%20of%20David%20Pauken.pdf>).

⁹⁶ See, e.g., *Washington Redskins Front-Office Executive Dennis Greene Resigns*, New York Times (May 31, 2018) (online at www.washingtonpost.com/sports/redskins/redskins-front-office-exec-dennis-greene-resigns/2018/05/31/7f2e7ce2-6521-11e8-a768-ed043e33f1dc_story.html).

⁹⁷ Committee on Oversight and Reform, Deposition of David Pauken (June 7, 2022) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2022-06-07%20Deposition%20of%20David%20Pauken.pdf>).

⁹⁸ *Id.*

concocted. People were afraid to lose their jobs because they had seen so many others lose their jobs.”⁹⁹

The evidence uncovered by the Committee casts doubt on the sufficiency of the NFL’s response to the Wilkinson Investigation findings and underscores the need for the League and the team to fully cooperate with the Committee’s investigation.

⁹⁹ Committee on Oversight and Reform, Transcribed Interview of Jason Friedman (Mar. 14, 2022) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2022-03-14%20Transcribed%20Interview%20of%20Jason%20Friedman.pdf>).